

Notice of Allowability

Application No.

10/725,719

Examiner

Michael K. Botts

Applicant(s)

WANG ET AL.

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment after Non-Final Office Action, March 2, 2006.
2. ☒ The allowed claim(s) is/are 1-6,8-13 and 15-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

1. This document is in response to the following communication: Applicants Amendment After Non-Final Office Action, which was filed on March 2, 2006.
2. Claims 1-6, 8-13, 15-20, and 22-26 are pending and have been examined, with claims 1, 13, and 17 being the independent claims.
3. Replacement sheet for Figure 4 is received and accepted. The objection to Figure 4 is withdrawn.
4. Claims 1-6, 8-13, 15-20, and 22-26 are allowed.

Applicant's Response

5. Claims 18, 19, and 21 were amended by Applicants' Amendment, filed March 2, 2006, and by such amendments obviated the claims objection, and, accordingly, those objections are withdrawn. Claims 1, 8, 10, 13, 15, 17-19, and 22 were also amended and place the claims in a condition for allowance.
6. Applicants argued that the prior art cited under 35 U.S.C. 103(a) against claims 1-6, 8-13, 15-20, and 22-26 was inapplicable to the claim limitations of the Applicants' invention.
7. Appellant's arguments have been fully considered and are persuasive, and, in light of the amendments, all rejections previously set forth are withdrawn.

Allowable Subject Matter

8. Claims 1-6, 8-13, 15-20, and 22-26 are allowed.
9. The following is an examiner's statement of reasons for allowance:

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Regarding claims 1, 6, 8-12, 15, 17, 20, and 22-26:

The closest prior art is Omura, G., "Mastering AutoCAD, Release 11," Fourth Edition, Symbex, Inc., 1991, [hereinafter "CAD"], in view of Ambrosius, L. "TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"].

CAD teaches the use of AutoCAD as providing the working image that includes a number of objects. CAD does not expressly teach the setting of parameters for labels to be associated with objects, nor does CAD teach automatically generating and incrementing a second label when another object is selected.

TAG1 teaches the program code that "allows the user to place a numbered bubble at any given point" with the number counts incrementing when future bubbles are set.

With regards to independent claims 1 and 17, specifically, the cited prior art does not teach or suggest that the style of the labels and the increment of the labels are determined by a user in accordance with how the image is used. In addition, the prior art cited does not teach or suggest that the labels may be associated with an annotation box in which a user can type text and that such annotations are associated with a label and incremented with the labels. And, further, the cited prior art does not teach or suggest that the parameters of the labels may be reset causing the labels that have been placed in the working image to change automatically in accordance with the label parameters.

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Dependent claims 6 and 8-12 are patentable at least in that they depend from patentable claim 1.

Dependent claim 15 is patentable at least in that it depends from patentable claim 13 (see discussion below).

Dependent claims 20 and 22-26 are patentable at least in that they depend from patentable claim 17.

Regarding claims 2, 4, 5, 13, 16, 18, and 19:

The closest prior art is Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Symbex, Inc., 1991, pages 109-125, 167-174, and 222-247 [hereinafter "CAD"], in view of Ambrosius, L., "TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"] as applied to claim 1 above, and further in view of Ambrosius, L., "TAG.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG"].

The teachings of CAD, as they apply to the instant application, are discussed above.

The teachings of TAG1, as they apply to the instant application, are discussed above.

TAG teaches the inclusion of a leader on the automatically incrementing numbered bubble, such routine sometimes colorfully referred to as a "lollipop maker."

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With regards to independent claim 13, specifically, the cited prior art does not teach or suggest that the style of the labels and the increment of the labels are determined by a user in accordance with how the image is used.

Dependent claims 2, 4, and 5 are patentable at least in that they depend from patentable claim 1.

Dependent claim 16 is patentable at least in that it depends from patentable claim 13.

Dependent claims 18 and 19 are patentable at least in that they depend from patentable claim 17.

Regarding claim 3:

The closest prior art is Omura, G., "Mastering AutoCAD Release 11," Fourth Edition, Symbex, Inc., 1991, pages 109-125, 167-174, and 222-247 [hereinafter "CAD"], in view of Ambrosius, L., "TAG1.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG1"], further in view of Ambrosius, L., "TAG.LSP," HyperPics, copyright 1998, pages 1-2 [hereinafter "TAG"], as applied to claim 2, above, and still further in view of "Canvas Tips and Techniques," ACD Systems of America, Inc, copyright 1995-2003, downloaded pages 1-13 [hereinafter "Canvas"].

The teachings of CAD, as they apply to the instant application, are discussed above.

The teachings of TAG1, as they apply to the instant application, are discussed above.

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The teachings of TAG, as they apply to the instant application, are discussed above.

Canvas teaches a working copy of a CAD image copied to a compatible format.

Dependent claim 3 is patentable at least in that it depends from patentable claim 1.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael K. Botts whose telephone number is 571-272-5533. The examiner can normally be reached on Monday Thru Friday 8:00-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKB/mkb

A handwritten signature in black ink, appearing to read "Doug Hutton", with a stylized, sweeping flourish extending to the right.

**DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100**